

Kansas State Fire Marshal – Fire Prevention Division

References (s):

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FIRE FACT 004 – IMMEDIATE JEOPARDY

For several years now, fire prevention inspectors have used a standard set of criteria when conducting inspections. This set of criteria has remained consistent and is readily published by the Kansas State Fire Marshal. When items are found during inspections that do not meet the criteria found in the KSFM or Centers for Medicare and Medicaid Services (CMS) checklists, they are considered distinctly hazardous. The following three distinct hazards present an immediate jeopardy to building occupants and shall be addressed immediately:

- 1) Exit doors that are chained and/or padlocked closed;
- 2) The fire alarm system is impaired and no work is in progress to restore it to an operable condition;
- 3) An existing automatic sprinkler system is impaired and no work is in progress to restore it to an operable condition.

If any of these three conditions are found, they must be corrected IMMEDIATELY. The KSFM inspector will remain on the premises until corrected.

These conditions pose a very real threat to the occupants' lives. Despite efforts to educate administrators, architects, engineers, and construction supervisors, these hazards are still found during annual inspections.

The KSFM will take whatever measures are necessary in order to achieve compliance. This may even include the immediate evacuation of the building. In this case, buildings may remain unusable until the problem is corrected and appropriate planning for fire safety is shown.

ADDITIONAL FEDERAL HEALTHCARE

If a distinctly hazardous condition is cited with a scope and severity consistent with an "Immediate Jeopardy", the facility may incur a civil money penalty between \$3,050 and \$10,000 per day or a "per instance" civil money penalty from \$1,000 to \$10,000 for each deficiency.

The civil money penalty is determined by the CMS regional office or the State Medicaid Agency. Neither the Kansas State Fire Marshal's Office nor the fire inspector that conducted the inspection is involved with determining civil money penalties as part of a federal inspection.

The facility must immediately submit an allegation that the immediate jeopardy has been removed as well as provide sufficient detail to demonstrate how the situation has been addressed so that the State Agency can verify the abated immediate jeopardy.